NORTH CAROLINA AR 30 PM 1: 54	IN THE GENERAL COURTS OF JUSTICE SUPERIOR COURT DIVISION 12 CVS
WAKE COUNTY, C.S.C. THE NORTH CAROLINA STATE BAR, PENTIONER)
v. WILLIAM T. McKENY, ATTORNEY, RESPONDEN	OCONSENT ORDER OF

THIS MATTER is before the undersigned Judge of Superior Court of Wake County on motion of the North Carolina State Bar. Petitioner, the North Carolina State Bar, is represented by Carmen Hoyme Bannon. Respondent, William T. McKeny, represents himself. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, William T. McKeny, was licensed to practice law in North Carolina in 2003.
- 2. McKeny's address of record on file with the North Carolina State Bar is 115-B East Council Street, Salisbury, NC, 28144.
- 3. On 9 February 2012, the North Carolina State Bar served McKeny with a Letter of Notice and Subpoena for Cause Audit in grievance file #12G0140. McKeny has only partially complied with the subpoena by producing some of the subpoenaed records related to his attorney trust account.
- 4. The State Bar's preliminary examination of the records produced by McKeny indicates that McKeny has failed to comply with numerous requirements of North Carolina Rules of Professional Conduct 1.15-2 and 1.15-3, regarding handling entrusted funds and trust account management.
 - 5. McKeny desires to cooperate with the North Carolina State Bar.
- 6. A need for prompt action exists to ensure that client funds are not mishandled.

Based upon the foregoing findings, and with the consent of the parties, the Court makes the following:

CONCLUSIONS OF LAW

- 1. This Court has personal jurisdiction over Respondent and jurisdiction over the subject matter. This matter is properly before the Wake County Superior Court pursuant to N.C. Gen. Stat. § 84-28(f).
- 2. Prompt action, pursuant to § 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of McKeny's accounts and to ensure that no client funds are mishandled.
- 3. McKeny should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to write a check against or withdraw funds from any account in which client or fiduciary funds have been deposited, unless and until expressly permitted by subsequent order of the Court.
- 4. To assist the State Bar's analysis of his trust and operating accounts, McKeny should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.
- 5. To assist the State Bar's analysis of his trust account, McKeny should provide the State Bar with the reconciliation reports that North Carolina lawyers are required to prepare and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.
- 6. McKeny should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity.

THEREFORE, IT IS HEREBY ORDERED:

- 1. William T. McKeny is enjoined from accepting any further funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or writing any checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or write a check against any account in which client or fiduciary funds have been deposited until permitted by subsequent order of the Court.
- 2. McKeny, or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited, shall immediately produce to the North Carolina State Bar at its Raleigh offices for inspection and copying all of McKeny' financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.

- 3. If McKeny does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his trust and operating bank account(s) are maintained, within ten days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at its Raleigh offices, at McKeny' expense.
- 4. McKeny, or any other person having custody or control over records relating to individuals for whom McKeny has provided legal services, shall produce to the North Carolina State Bar at its Raleigh offices for inspection and copying all records and documents related to the provision of those services including but not limited to: client files, billing statements, memoranda and receipts. Current client files shall be produced within twenty-four hours of demand by the State Bar and closed client files shall be produced within three days of demand by the State Bar.
- 5. McKeny is hereby enjoined from serving in any fiduciary capacity, including attorney-in-fact, escrow agent trustee, executor, or personal representative, until further order of this Court.
- 6. This Order of Preliminary Injunction shall remain in effect until further order of this Court.

This the <u>30</u> day of <u>Naul</u>, 2012.

Wake County Superior Court Judge

WE CONSENT:

Carmen Hoyme Bannon Attorney for Petitioner

The North Carolina State Bar

William T. McKeny

Respondent